

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
September 21, 2005**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., September 21, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

PERSONNEL AGENDA

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve the Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

Bethany Home Outfall Channel Phase IIC (Per Resolution FCD 98-12)

Item A002.303, Warranty Deed from William D. Petersen and Sharon Petersen to the Flood Control District of Maricopa County for the sum of \$122,290.00.

Item A002.303, Purchase Agreement and Escrow Instructions.

75th Avenue Storm Drain/ Durango Regional Conveyance Corridor (Per Resolution 2002R012A)

Item A019.016-T1, Relocation Assistance Entitlements for A-1 Materials, LLC in the amount of \$80,000.00.

Item A019.016-T2, Relocation Assistance Entitlements for Robinsons Motors in the amount of \$60,000.00.

Item A019.016-T3, Relocation Assistance Entitlements for John Fisher in the amount of \$15,000.00.

Item A019.016-T4, Relocation Assistance Entitlements for East Jordan Ironworks, Inc. in the amount of \$60,000.00.

Item A019.016-T5, Relocation Assistance Entitlements for TAC Transportation, Inc. in the amount of \$60,000.00.

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Item A019.016-T6, Relocation Assistance Entitlements for Cosme Seqovia Herrera in the amount of \$20,000.00.

Property Management – White Tanks 9 (R.I.D. Overchute) (Per Resolution FCD 94-06)

Item WT9-18-PCE2; Modification of Channel Easement and Agreement for Flood Control Purposes by and between Suncor Development Company, an Arizona corporation and the Flood Control District of Maricopa County.

POLICY FOR RECEIVING DONATIONS

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to adopt a new policy, A2508 Policy for Receiving Donations, for the Flood Control District. The Policy for Receiving Donations will ensure consistency throughout Maricopa County regarding the acceptance and reporting cash and non-cash donations. (C1806018600) (ADM1918)

HEARING SET – ADOPT RESOLUTION OF COMPREHENSIVE PLAN 2005

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to tentatively adopt Resolution FCD 2005R011, "Comprehensive Plan 2005 - Flood Control Program Report (Adoption of Comprehensive Program). In accordance with the authority noted in A.R.S. §48-3616(B), set a public hearing for October 19, 2005 at 9:00 am in the Board of Supervisors' Conference Room at 301 W. Jefferson, 10th Floor, Phoenix, to adopt the proposed Comprehensive Plan 2005 - Flood Control Program Report. (C6906020600) (ADM1901)

SALE OF EXCESS PARCELS

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County to sell excess parcels beginning in FY 2005-06. The district will utilize its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The auction will start at fair market value, with the starting bid determined by a certified licensed appraiser, or in the event of a sale to a municipality, or school district, at fair market value without an auction. If an auction takes place, district staff will sell the parcel in compliance with A.R.S. §9-402 and §48-36031, which mandates that an invitation for bid be published for the sale of all real property. Parcel No. A004.05B-EX is a portion of this parcel located on Dysart Road southeast of the intersection at McDowell Road and Dysart Road, containing 0.00003+/- acres. (C6906024B00) (ADM1903-002)

ADOBE DAM-DESERT HILLS AREA DRAINAGE MASTER PLAN RESOLUTION

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD 2005R003, Adobe Dam-Desert Hills Area Drainage Master Plan. This resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County to:

- o Negotiate and prepare intergovernmental agreements for rights-of-way acquisition, design, construction, construction management, and operation and maintenance,

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- o Obtain the necessary rights of entry, property and/or easements for the recommended alternative, and to include funding in the current and future Five Year Capital Improvement Programs,
- o Advertise, select, negotiate and award contracts for engineering services for design of the recommended alternative features and also recommends that it be adopted by the City of Phoenix and Maricopa County. (C6906026600) (ADM1915-003)

**RESOLUTION FCD
ADOBE DAM/ DESERT HILLS AREA DRAINAGE MASTER PLAN**

WHEREAS, The Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48, Chapter 21, which requires the Board of Directors of the Flood Control District of Maricopa County (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

WHEREAS, successful implementation of the completed Skunk Creek Watercourse Master Plan and the Cave Creek/Apache Wash Watercourse Master Plan is largely dependent upon prudent and ongoing management of the watersheds that supply runoff to these corridors; and,

WHEREAS, the District has conducted the Adobe Dam/Desert Hills Area Drainage Master Plan (Plan), a regional drainage master plan, to identify solutions to mitigate existing and preclude future drainage and flooding problems in the Skunk Creek, Cave Creek, and Apache Wash watersheds located in the northern metropolitan area of Maricopa County identified in Exhibit A, attached hereto and made a part hereof; and,

WHEREAS, the Desert Hills area is developing without a regional drainage plan and the recommended Adobe Dam/Desert Hills Area Drainage Master Plan, Exhibit B (Adobe ADMP fact sheet), will provide to the regulating municipalities and private developers a basis for safe drainage and watershed development; and,

WHEREAS, the Plan recommends structural as well as non-structural improvements for the drainage area; and,

WHEREAS, the non-structural elements of the recommended plan include floodplain delineation and residential floodprone property acquisition within the ADMP area and development guidelines for the portion of the ADMP that is within unincorporated Maricopa County.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the Adobe Dam/Desert Hills Area Drainage Master Plan Final Report, as the basis to regulate and mitigate flooding within the watershed area; and,

BE IT FURTHER RESOLVED that the Board of Directors recommends that the City of Phoenix and the Maricopa County Board of Supervisors adopt the plan within their respective jurisdictions as a planning tool to establish regional flood control infrastructure to regulate and mitigate storm water flows within the study area; and,

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BE IT FURTHER RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager to negotiate and prepare Intergovernmental Agreements with the other municipalities and agencies, as appropriate, for right-of-way acquisition, design, construction, construction management and future operation and maintenance including appropriate District participation in landscape and multi-use improvements for the recommended flood control features needed to mitigate and/or eliminate flooding within the Adobe Dam/Desert Hills Area Drainage Master Plan area, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager is hereby authorized and directed to negotiate with landowners and/or appropriate agencies to obtain the necessary rights-of-entry, property and/or easements and all other necessary land rights and hire, retain or otherwise utilize the professional services of the County Attorney's office or private counsel to initiate and prosecute actions and proceedings in the manner required by law to condemn any and all Rights-of-Entry, Property, and/or Easements required for the implementation of the recommended alternative of the Adobe Dam/Desert Hills Area Drainage Master Plan which cannot be obtained by donation or purchase within the following sections:

Township 4 North, Range 2 East, Sections 10, 11, and 15;
Township 5 North, Range 2 East, Sections 25, 26, 35, and 36;
Township 6 North, Range 3 East, Sections 5, 8, 16, 28, and 32;
Township 7 North, Range 3 East, Section 31; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to include funds in the District's current and future Five-Year Capital Improvement Program (CIP) for right-of-way acquisition, design, and construction of features identified in the Adobe Dam/Desert Hills Area Drainage Master Plan, subject to prioritization by the District and subsequent approvals by this Board of future Five-Year CIP; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award a contract for engineering services for implementation of the Adobe Dam/Desert Hills Area Drainage Master Plan, subject to the ratification and approval of this Board.

DATED this 21st day of September 2005

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

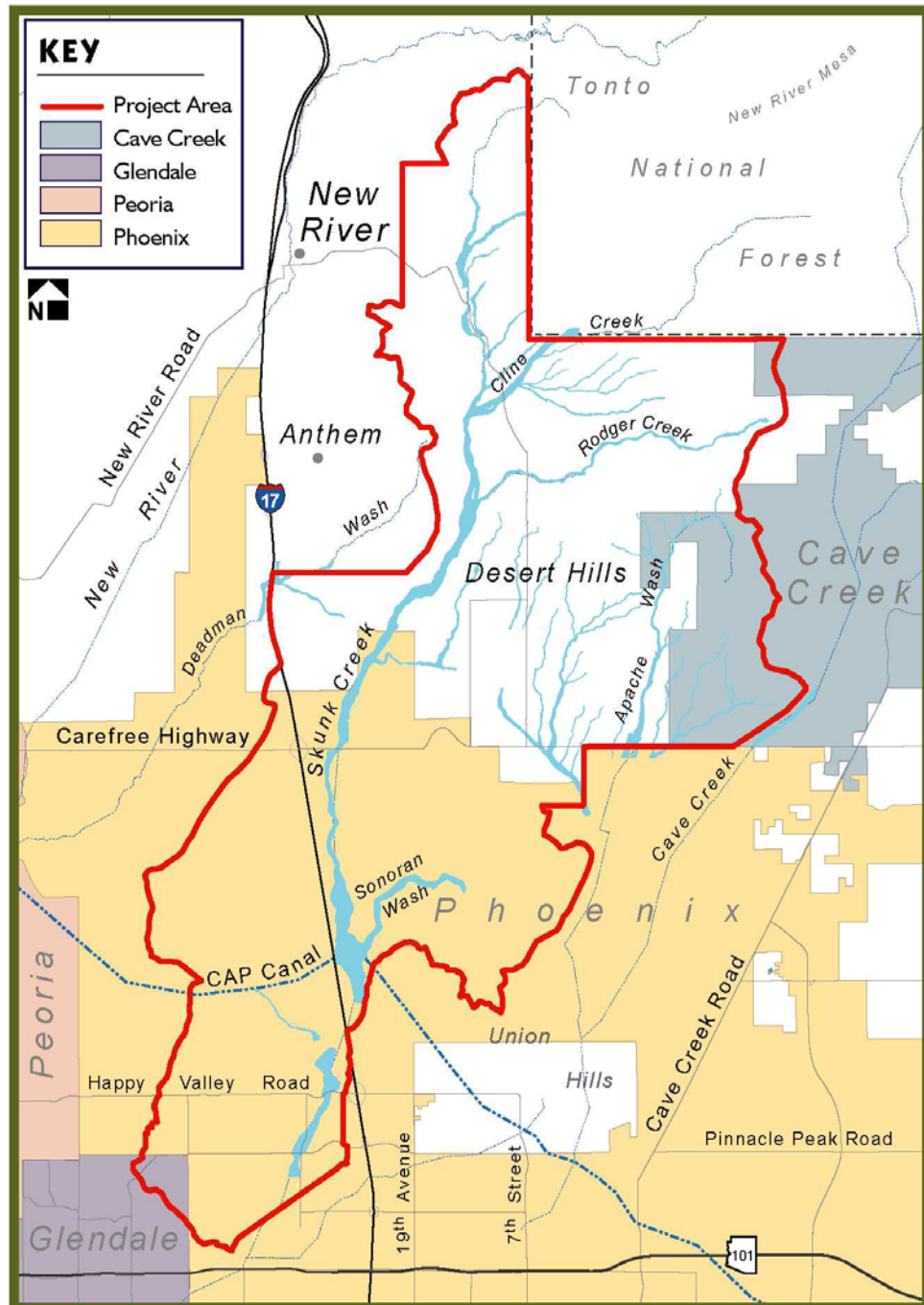
Enclosure: Exhibit A, Study Area and Exhibit B, Adobe Dam ADMP fact sheet

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EXHIBIT A: RESOLUTION FCD2005R003, ADOBE DAM/ DESERT HILL AREA DRAINAGE MASTER PLAN

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EXHIBIT B: RESOLUTION FCD2005R003, ADOBE DAM/ DESERT HILL AREA DRAINAGE MASTER PLAN FACT SHEET

PROJECT BACKGROUND

The Flood Control District of Maricopa County completed work on the Adobe Dam/ Desert Hills Area Drainage Master Plan (ADMP) in June 2005. The study area is located in the northern portion of the county. The area includes the Skunk Creek, Desert Hills Wash, Apache Wash, and Paradise Wash watersheds as shown to the right. The total project area is approximately 100 square miles.

The Adobe ADMP is a continuation of the Skunk Creek Watercourse Master Plan (WCMP). The WCMP recommended that the ADMP investigate key locations along the Skunk Creek corridor warranting further analysis and address watershed management issues to maintain flows in Skunk Creek as near as possible to existing conditions.

PROJECT PURPOSE

The purpose of the Adobe ADMP was to develop a Recommended Alternative to mitigate identified drainage, flooding, and erosion hazards in the study area. The Recommended Alternative comprised a combination of both structural and nonstructural components resulting from a rigorous analysis and comparative evaluation of multiple alternative measures.

PROJECT OUTCOME

The work products of the Adobe ADMP addressed both structural and nonstructural components of the Recommended Alternative. These products included concept design plans and engineer cost estimates for the structural alternatives and the Flood Response Plan, Federal Emergency Management Agency (FEMA) Floodplain Delineation Studies, floodway residence risk assessment for the voluntary Floodprone Property Acquisition Program (FPAP), and Development Guidelines for the nonstructural elements. An Implementation Plan was prepared to serve as a road map for the District's implementation efforts once the ADMP is adopted by the Board. These products will serve as the starting point for further engineering design, nonstructural program implementation, project funding agreements, and construction scheduling for the structural components of the Recommended Alternative in the District's Capital Improvement Program (CIP) track, Maricopa County Department of Transportation's Design Concept Report (DCR) process, or other mechanisms, as appropriate.

RECOMMENDED ALTERNATIVE

The study area is divided into three subareas: Phoenix, Desert Hills, and New River. These subareas were identified based on jurisdictional boundaries and similar watershed characteristics. After an extensive stakeholder and public involvement process, the project team identified a Recommended Alternative to mitigate existing drainage and erosion issues and to reduce future flooding and drainage problems as the area develops. The structural and nonstructural elements of the Recommended Alternative are listed for each subarea and are shown on the accompanying map.

RECOMMENDED ALTERNATIVE – PHOENIX SUBAREA (FIGURE A)

Structural Components

- Connect channel banks from the Pinnacle Peak Road bridge upstream to the location where Skunk Creek flows out of the landfill area to keep all streamflow in the channel passing through the bridge opening.

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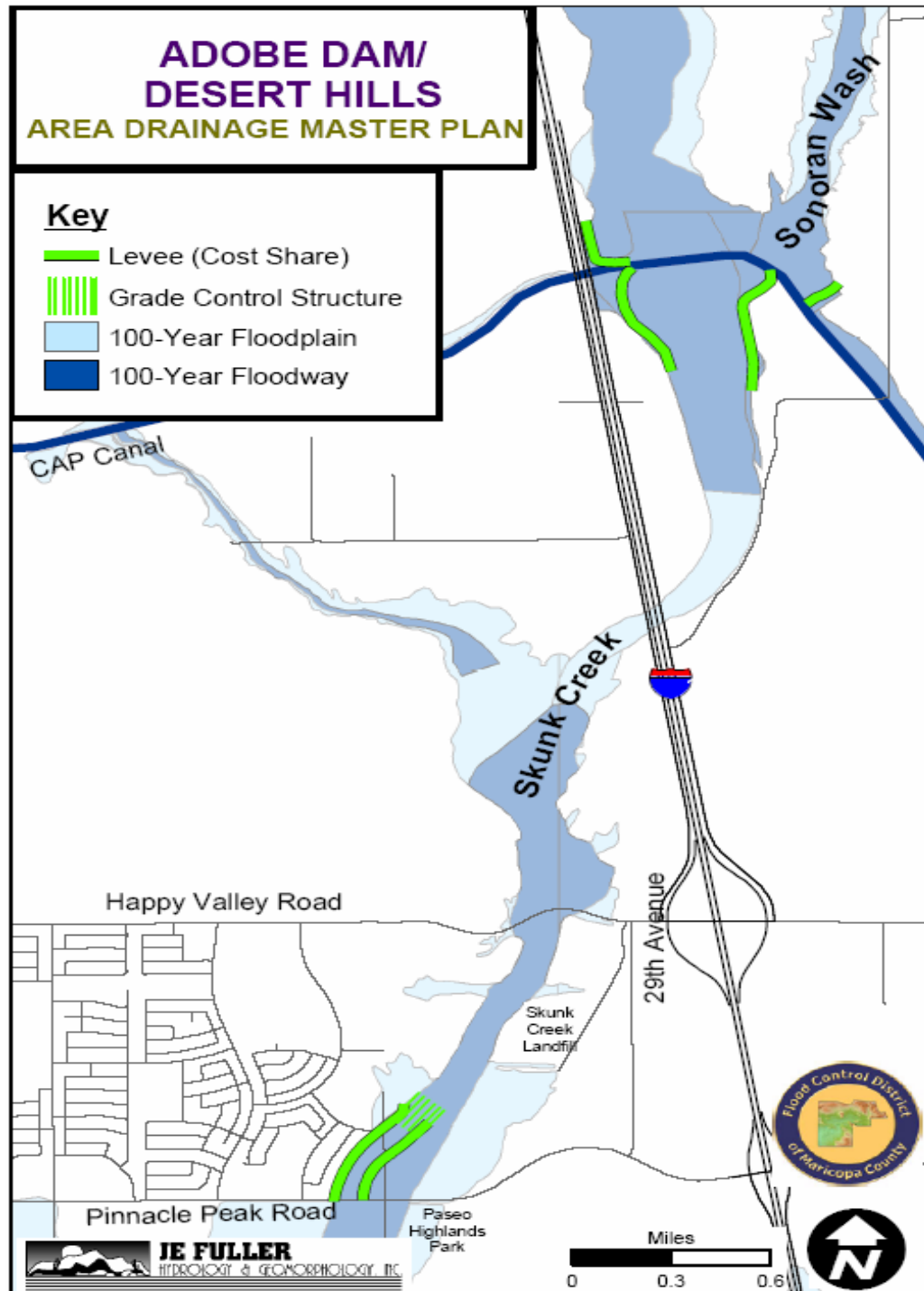
- Construct new grade control structure in the Skunk Creek channel upstream of the Pinnacle Peak Road bridge to prevent erosion of the channel bottom.
- Construct new levees immediately downstream of the CAP aqueduct from the end of the existing levees up to CAP overchutes to keep all streamflow in the channel and prevent flooding of the adjacent areas.
- Construct new levees immediately upstream of the CAP overchutes to keep all streamflow in the channel and prevent flooding of I-17 and along the upstream side of the canal embankment.

Nonstructural Components-

- Flood Response Plan
- Upper Buchanan Wash Floodplain Delineation Study

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Figure A



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RECOMMENDED ALTERNATIVE – DESERT HILLS SUBAREA (FIGURE B)

Structural Components

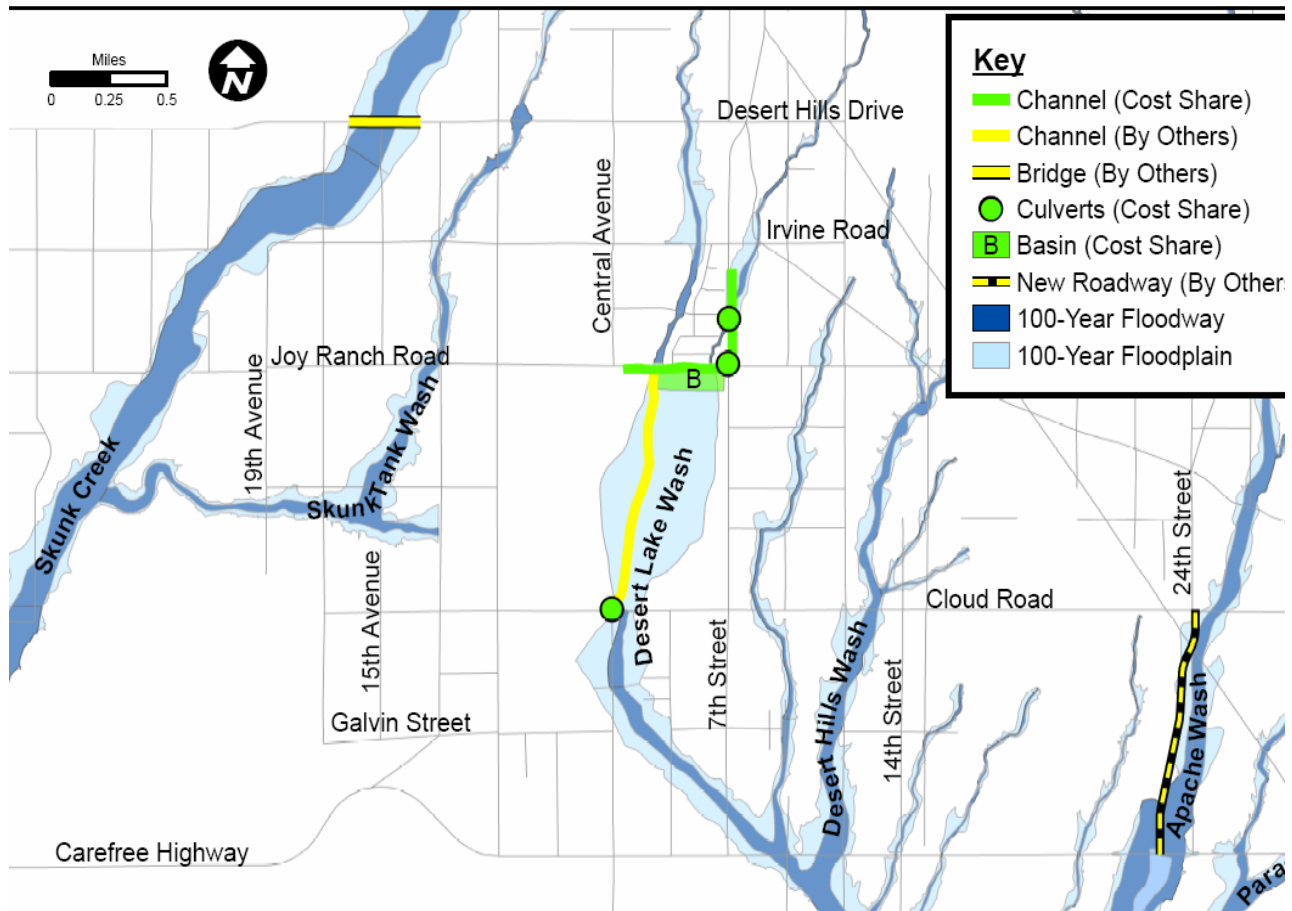
- Construct new roadside interceptor channel along east side of 7th Street north of Joy Ranch Road to prevent flooding of 7th Street.
- Construct new culvert at the intersection of Joy Ranch Road and 7th Street to prevent flows from continuing south along east side of 7th Street and causing flooding of residences southwest of 7th Street and Cloud Road intersection.
- Construct new roadside interceptor channel along south side of Joy Ranch Road west of 7th Street to collect flows from multiple small channels.
- Construct new detention basin on the State Trust Land parcel to reduce peak streamflow.
- Construct new channel through State Trust Land parcel from Joy Ranch Road to Cloud Road to reduce the floodplain area and to direct flows to improved culvert crossing at Cloud Road.
- Realign 24th Street roadway out of the Apache Wash floodplain to improve public safety and maintain access to residential areas to the north of Cloud Road.
- Construct new bridge at Desert Hills Drive crossing of Skunk Creek to improve public safety and maintain access to residential areas west of Skunk Creek.

Nonstructural Components

- Participation in Floodprone Property Acquisition Program
- Flood Response Plan
- Development Guidelines

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Figure B



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Structural Components

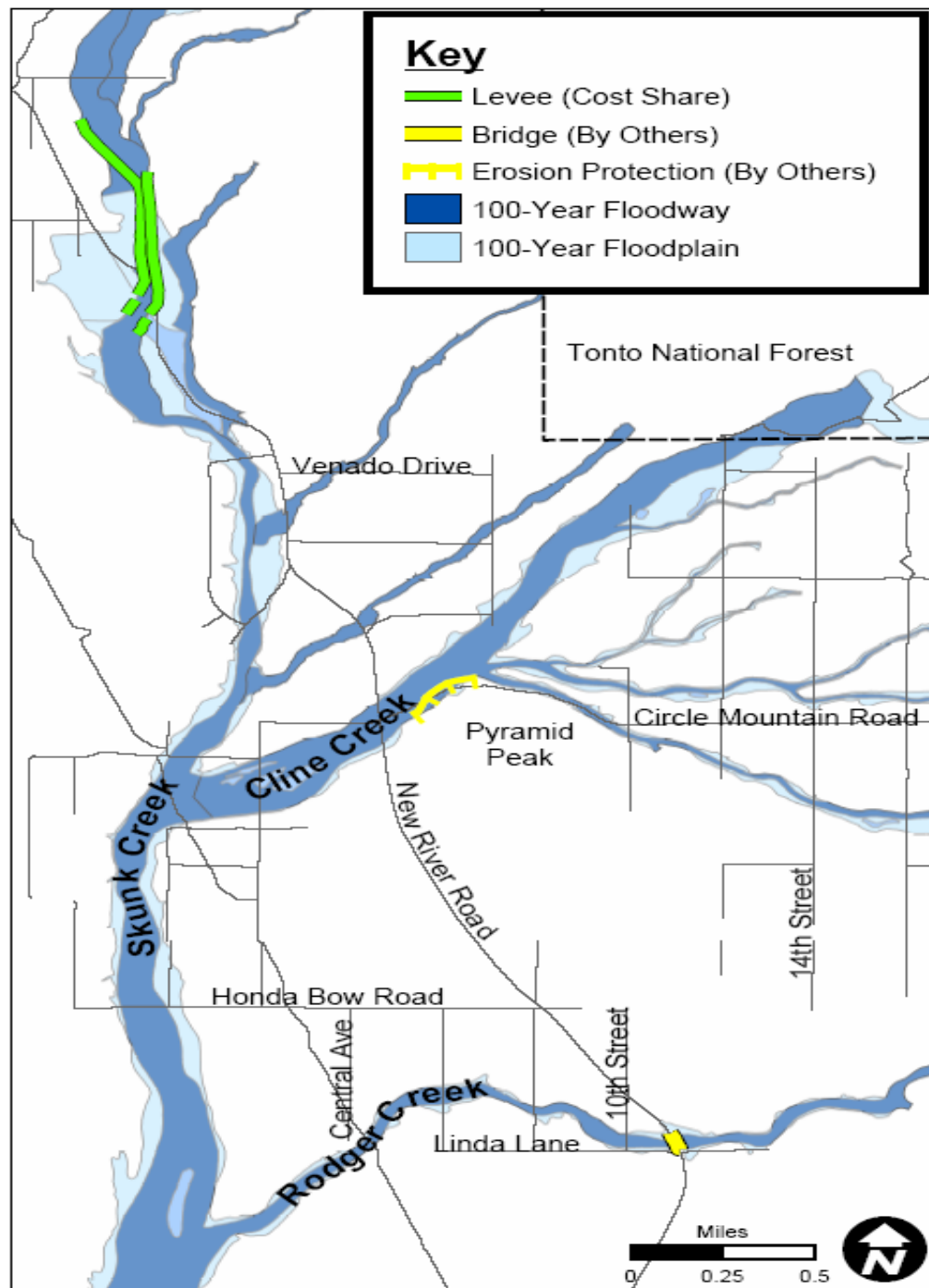
- Construct new bridge at the New River Road crossing of Rodger Creek to improve public safety and maintain access between Desert Hills and New River.
- Construct bank protection at Circle Mountain Road embankment to control erosion resulting from flows in Cline Creek and maintain access to residential area.
- Construct new levees along Skunk Creek upstream of the New River Road bridge to prevent flow breakouts flooding residences and maintain access on New River Road.
- Construct channel improvements in Skunk Creek in the vicinity of the New River Road bridge to keep all stream flow in the channel passing through the bridge opening.

Nonstructural Components

- Participation in Floodprone Property Acquisition Program
- Flood Response Plan
- Development Guidelines
- Upper Skunk Creek / Tributary 6B Floodplain Delineation Study
- Cline Creek Floodplain Delineation Study

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Figure C



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RECOMMENDED ALTERNATIVE PRELIMINARY COST ESTIMATE

Recommended Alternative Component	Cost Range ¹
Structural Components	\$51 - \$81 Million
Nonstructural Components	\$13.5 Million
Total for Recommended Alternative	\$64.5 - \$94.5 Million

Lower limit of cost range reflects minimal land acquisition costs based on purchase solely of the footprint of the structural components (e.g., levees, basin, channels, etc.). Upper limit reflects maximum land acquisition costs for purchase of entire parcels crossed by structural components.

ADJUSTMENT TO CIP EXPENDITURE BUDGET

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve adjustments to the current FY 2005-06 Capital Improvements Program (CIP) expenditure budget of the Flood Control District of Maricopa County, Department (690), Fund (990). The requested adjustments are required in order to account for changes that have occurred in the design and construction schedules for several of the District's major Capital Projects. The adjustments have been planned to achieve maximum utilization of the District's budgeted funds during the course of FY 2005-06. The requested adjustments are as follows: (C6906030M00) (ADM1900-003)

Project Number	Project	Amount
117	S. Phoenix Drainage Improvements	\$700,000
120	Paradise Valley, Scottsdale, Phoenix	\$629,350
121	East Maricopa Floodway	\$2,985,000
202	McMicken Dam	<\$816,000>
207	Buckeye FRS No. 1	<\$10,000>
343	Wickenburg ADMP	\$215,641
344	Wittmann ADMP	\$37,921
346	Hassayampa River	\$206,006
371	Upper New River ADMP	\$247,002
400	Skunk Creek/New River	<\$1,339,000>
401	Agua Fria Flowage Easements	\$20,000
420	Spook Hill ADMP	\$170,000
442	East Mesa ADMP	<\$2,256,000>
450	Glendale / Peoria ADMP	\$568,000
470	White Tanks ADMP	\$881,000
480	Queen Creek ADMP	\$1,449,000
491	Higley ADMP	\$5,000
520	Adobe Dam ADMP	\$744,080
565	Durango ADMP	<\$183,000>

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Project Number	Project	Amount
580	ACDC ADMP	<\$199,000>
590	Scatter Wash Channel	<\$430,000>
620	Maryvale ADMP	<\$576,000>
625	Metro ADMP	<\$98,000>
	Non-Project	<\$3,110,000>
	CIP Project Reserve	\$159,000
	Net Requested Budget Adjustment	\$0

AGREEMENT WITH HORSPIRALITY RV PARK FOR BANK STABILIZATION PROJECT

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve General Agreement 2005G002 between the Flood Control District of Maricopa County and Paul and Janice Sullivan, the owners of Horspitality RV Park, for cost share, right-of-way, design, construction and operation and maintenance of the Horspitality RV Park Bank Stabilization Project. The district will not be required to fund any of the project costs. These costs will be cost-shared by the Natural Resources Conservation Service (NRCS) and the owner. Additionally, this agreement is contingent on the execution of Intergovernmental Agreement FCD 2005A015 with the NRCS (C6906033200). (C6906032000)

IGA WITH NRCS FOR THE HORSPIRALITY RV PARK PROJECT

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2005A015 between the Flood Control District of Maricopa County and the Natural Resource Conservation Service (NRCS) for roles and responsibilities for the Horspitality RV Park Project. The IGA includes the terms for the required local cost share, rights-of-way acquisition, and operations and maintenance with NRCS for the project. The district will not be required to fund any of the project costs. These costs will be cost-shared by NRCS and Paul and Janice Sullivan, the owners of the Horspitality RV Park (C6906032000). (C6906033200)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board